

CHAPTER 4

CONSULTATION AND COORDINATION

4.1 INTRODUCTION

Reclamation's compliance with many of the federal statutes, implementing regulations, and executive orders applicable to implementation of CVPIA was documented in the PEIS. Those requirements that were adequately addressed in the PEIS, and for which no further compliance issues have been identified, are briefly summarized below. Requirements for which additional consultation and coordination, or further discussion of compliance issues, are warranted are discussed in greater detail. Also presented are efforts by Reclamation to involve and include interested parties in the site-specific environmental review process.

4.2 PUBLIC INVOLVEMENT

NEPA requires an early and open process for determining issues that should be addressed and analyzed in the environmental document and to assist the decision-maker in making a determination to implement the proposed action or an alternative. This process is designed to involve and inform the public and federal, state, and local agencies as to the environmental consequences of a federal agency's actions. This is to provide the agency with important information and analyses to promote better decision-making by the federal agency.

4.2.1 Public Scoping

The purpose of scoping is to identify potential environmental issues related to the proposed action. Public scoping began on October 15, 1998 with publication of a notice of intent (NOI) in the Federal Register to announce the preparation of environmental documents for renewal of long-term water service contracts. The NOI notified the public of the proposal, solicited written comments on the proposed action, and announced the dates and location of public scoping meetings. The public was also notified of the proposed action through press releases and direct mailings to over 3,000 interested parties. The public scoping period began at the time of publication of the NOI and concluded on January 8, 1999.

Scoping meetings were held at eight locations throughout the CVP service area. In addition, four workshops on Reclamation's water needs assessment process were conducted in conjunction with public scoping meetings. Approximately 560 comments were submitted at public meetings and thirty-two comment letters were received during the scoping period.

Reclamation prepared a scoping report that documented the scoping process (Reclamation 1999b). Comments received during scoping generally addressed the following issues (detailed discussion of scoping comments is presented in the *Central Valley Project Long-term Contract Renewal Scoping Report*):

- Public involvement and information gathering from water service contractors;
- The relationship of the site-specific environmental document to the PEIS;
- The geographic scope of analysis and the level of detail;
- The type of environmental documents to be prepared;
- Purpose and need of long-term contract renewals;
- Alternatives considered in the site-specific environmental documents;
- Impact issues, including water resources, socioeconomic issues, biological resources, including consultation, and impacts of water service contract terms; and
- Coordination with other parties and agencies;

In addition, public comments also addressed contract negotiation and water needs assessment issues. Although these comments were not specific to the environmental review for long-term contract renewal, they were included in the scoping report. Comments and concerns expressed by the public during the scoping period were used by Reclamation in determining the scope of analysis, including the type of environmental document to be prepared for each area of the CVP, geographic variability of concerns, level of detail, resource areas to be evaluated, and development of alternatives.

4.2.2 Public Participation During Contract Negotiations

Public participation has continued throughout the contract negotiation process. Numerous contract negotiations have occurred since the initial contract proposal was presented by Reclamation in November of 1999. These negotiations have afforded the water service contractors the opportunity to comment and discuss the contract provisions with Reclamation. In addition, the negotiation sessions are open to the public and while the public is not able to comment during the negotiations, the public can be kept apprised of the current status of contract negotiations, and can comment at the conclusion of the negotiating session.

4.2.3 Public Comment on the Draft EAs

The Draft EAs were circulated for public and agency review for 30 days each. These public comment periods provided an opportunity for the public to review the issues addressed in the impact analysis and to offer comments on any aspect of the process. Comments on the Draft EAs have been responded to and appropriate revisions were made in the Final EA. The Draft EAs were revised and recirculated for public comment for 30-day periods in September 2003, and again in July 2004 following negotiation of the draft contract and finalization of the Biological Assessment.

4.3 CONSULTATION AND COORDINATION WITH OTHER AGENCIES

4.3.1 National Environmental Policy Act

This EA was prepared pursuant to and in accordance with the National Environmental Policy Act of 1969 (NEPA) and the Council on Environmental Quality (CEQ) regulations on implementing NEPA (40 CFR 1500-1508). In accordance with NEPA this document tiers off the PEIS (40 CFR 1508.28) and evaluates the potential site-specific environmental and socioeconomic effects of renewal of the long-term water service contract for the Sacramento River Division contractors.

4.3.2 Endangered Species Act

Reclamation prepared a biological assessment in April of 2004 to determine if the proposed action will affect federally listed threatened and endangered species. The biological assessment addresses all species affected by the CVP operation in the Sacramento River Division. The proposed action includes activities described in the contract negotiated between Reclamation and the Sacramento River Division contractors. Reclamation has completed ESA compliance requirements with NOAA Fisheries and the Service on the proposed action. NOAA Fisheries provided Reclamation a letter dated January 10, 2005, stating that the effects of the LTRC in the Sacramento River Division on listed species were previously analyzed in the OCAP BO, and no additional effects are anticipated. The Service provided Reclamation a memorandum on August 17, 2004 which concluded informal consultation for long term renewal of contracts in the Colusa County WD, County of Colusa, Davis WD, Dunnigan WD, Kanawha WD, La Grande WD, Westside WD, Stony Creek WD, and 4-E WD. On November 12, 2004 the Service provided additional concurrences of “not likely to adversely affect” to Orland-Artois WD, Corning WD, and Thomes Creek WD. A February 14, 2005, memo provided a “not likely to adversely affect” concurrence for the Proberta WD. On February 15, 2005, Reclamation received a memo from the Service concluding consultation on the remaining contractors: Kirkwood WD, Glide WD, Stonyford, Whitney Construction and the U.S. Forest Service. The determination for these districts also included a “not likely to adversely effect listed species or critical habitat” determination. Results of these consultations conclude that contract renewal for the Sacramento River Division contractors is not likely to adversely affect listed species or critical habitat. Reclamation’s actions will not result in any changes to the environment that would have the potential for any significant impact on listed species.

4.3.3 Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act (FWCA) requires that Reclamation consult with fish and wildlife agencies (federal and state) on all water development projects that could affect biological resources. The implementation of the CVPIA, of which this action is a part, has been jointly analyzed by Reclamation and the Service and is being jointly implemented. This continuous consultation and consideration of the views of the Service in addition to their review of this document and consideration of their comments satisfies any applicable requirements of the FWCA.

4.3.4 National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA) requires that federal agencies evaluate the effects of federal undertakings on historical, archeological, and cultural resources and afford the Advisory Council on Historic Preservation opportunities to comment on the proposed undertaking. The first step in the process is to identify cultural resources included on (or eligible for inclusion on) the National Register of Historic Places that are located in or near the project area. The second step is to identify the possible effects of proposed actions. The lead agency must examine whether feasible alternatives exist that would avoid such effects. If an effect cannot reasonably be avoided, measures must be taken to minimize or mitigate potential adverse effects. Reclamation staff will complete the Section 106 consultation process prior to implementing any actions.

4.3.5 Indian Trust Assets

ITAs are legal interests in property held in trust by the United States for Indian Tribes or individuals. Reclamation, in carrying out its activities, must take reasonable actions to protect and maintain ITAs reserved by or granted to Indian Tribes or individuals by treaty, statute, or Executive Order. Tribes in the Central Valley and Trinity area were notified during the preparation of the PEIS and meetings were held with several Tribes. Based on these coordination and consultation efforts, potential impacts to ITAs were addressed. No federally recognized Indian Tribes or trust assets are found in the affected area of the Sacramento River Division, and no additional impacts to ITAs would occur as a result of the long-term contract renewal under any of the alternatives.

4.3.6 Indian Sacred Sites on Federal Land

Executive Order 13007 provides that federal agencies with statutory or administrative responsibility for management of federal lands shall, to the extent practicable and as permitted by law, accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners, and avoid adversely affecting the physical integrity of such sacred sites. No federal lands are part of the proposed action evaluated in this EA and therefore sacred sites are not included in the impact assessment of the EA.

4.3.7 Environmental Justice

Executive Order 12898 requires each federal agency to identify and address disproportionately high and adverse human health or environmental effects, including social or economic effects, of programs, policies, and activities on minority and low-income populations. Potential environmental justice impacts have been evaluated in

Section 3.5 of this EA. No disproportionate impacts on minority and low-income populations were identified.

4.3.8 State, Area-wide, and Local Plan and Program Consistency

Executive Order 12372 requires that federal agencies provide for opportunities for state and local officials to provide input on proposed federal assistance or development actions. Consistency of the proposed action with the plans and policies of the Tehama County General Plan (Tehama County 1983), Glenn County General Plan (Glenn County 1993), Colusa County General Plan (Colusa County 1989), and Yolo County General Plan (Yolo County 1983) have been considered and input from state and local officials has been sought in the development of the analysis for this EA. The Draft EAs were circulated to the appropriate state agencies and local agencies to satisfy review and consultation requirements.

4.3.9 Flood Plain Management

Executive Order 11988 requires federal agencies to evaluate the potential effects of any actions they might take in a floodplain and to ensure that planning, programs, and budget requests reflect consideration of flood hazards and floodplain management. The proposed action would not affect instream flows or substantially alter land use patterns, and therefore, would not affect flood hazards or floodplain management.

4.3.10 Wetlands Protection

Executive Order 11990 authorizes federal agencies to take actions to minimize the destruction, loss, or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands when undertaking federal activities and programs. Impacts on wetlands were considered as part of the alternatives evaluated in this EA and no significant impacts were predicted.

4.3.11 Wild and Scenic Rivers Act

Under the Wild and Scenic Rivers Act, a federal agency may not assist in the construction of a water resources project that would have a direct and adverse effect on the free-flowing, scenic, and natural values of a wild or scenic river. None of the EA alternatives would affect flows in wild and scenic portions of rivers.

4.3.12 Farmland Protection Policy Act and Farmland Preservation

The Farmland Protection Policy Act of 1981 and the Memoranda on Farmland Preservation, dated August 30, 1976, and August 11, 1980, respectively, from CEQ require federal agencies to include assessments of the potential of a proposed project to convert designated prime or unique farmland to nonagricultural purposes. If implementing a project would adversely affect farmland preservation, the agencies must consider alternatives to lessen those effects. Federal agencies also must ensure that their programs, to the extent practicable, are compatible with state, local, and private programs to protect farmland. The Natural Resource Conservation Service (NRCS) is the federal agency responsible for ensuring that these laws and policies are followed.

The increased price of CVP water under Alternative 2 in this EA may result in minor changes in cropping patterns or in minor fallowing of land (Section 3.3). Fallowed land can still be used for non-irrigated agricultural practices, may remain in irrigation during wet water years, or may be returned to agricultural production at a later time. Impacts to farmlands as a result of the increased price of CVP water are anticipated to be minimal.

4.3.13 Clean Air Act

The federal Clean Air Act (CAA) was enacted to protect and enhance the nation's air quality in order to promote public health and welfare and the productive capacity of the nation's population. The CAA requires an evaluation of any federal action to determine its potential impact on air quality in the project region. Coordination is required with the appropriate local air quality management district as well as with the Environmental Protection Agency (EPA). This coordination would determine whether the project conforms to the Federal Implementation Plan and the State Implementation Plan (SIP).

Analysis in this EA assumes that minimal changes in land use or agricultural practices would occur under any of the proposed alternatives. Current practices to control dust and soil erosion on lands that are seasonally fallowed would continue. No air quality impacts would occur under any of the alternatives.

4.3.14 Safe Drinking Water Act

The Safe Drinking Water Act (SDWA) (PL 99-339) became law in 1974 and was reauthorized in 1986 and again in August 1996. Through the SDWA, Congress gave the EPA the authority to set standards for contaminants in drinking water supplies. The California Department of Health Services has the primary enforcement responsibility. No changes in compliance would be expected under any of the alternatives evaluated in this EA.

4.3.15 Clean Water Act

The Clean Water Act (CWA) gave the EPA the authority to develop a program to make all waters of the United States "fishable and swimmable." This program has included identifying existing and proposed beneficial uses and methods to protect and/or restore those beneficial uses. Future compliance with CWA requirements for implementation of the CVPIA was evaluated as part of the PEIS. No additional compliance issues have been identified in this EA.